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PATENT  
Attorney Docket No. 056291-5192

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **ANDERBERG et al.**

Application No.: 10/520,939

Filed: **January 12, 2005**For: **COMBINATION OF AN IBAT INHIBITOR  
AND A METAL SALT FOR THE TREATMENT  
OF DIARRHOEA**Confirmation No.: **4755**Group Art Unit: **1645**Examiner: *Unassigned*Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)****Citation of Related U.S. Patent Applications**

The Examiner's attention is directed to the following related co-pending U.S. patent applications:

Inventor	U.S. Serial No. Filing Date	U.S. Patent No. Issue Date	PCT Publication No. PCT Publication Date
Starke et al.	10/220,877 March 5, 2001	6,906,058 June 14, 2005	WO 01/66533 September 13, 2001
Starke et al.	10/399,336 September 16, 2003		WO 02/32428 April 25, 2002
Starke et al.	10/451,262 June 20, 2003		WO 02/50051 June 27, 2002
Starke et al.	10/488,540 July 23, 2004		WO 03/020710 March 13, 2003
Starke et al.	10/489,009 October 8, 2004		WO 03/022825 March 20, 2003
Starke et al.	10/489,010 October 21, 2004		WO 03/022830 March 20, 2003
Starke et al.	10/488,870 October 7, 2004		WO 03/022286 March 20, 2003
Lindqvist	10/502,355 February 4, 2005		WO 03/061663 July 31, 2003
Starke et al.	10/511,984 October 21, 2004		WO 03/091232 November 6, 2003

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Inventor	U.S. Serial No. Filing Date	U.S. Patent No. Issue Date	PCT Publication No. PCT Publication Date
Starke et al.	10/518,010 December 14, 2004		WO 03/106482 December 24, 2003

A copy of the specification and claims for each application, in the form of the published PCT application from which such application was filed is being filed herewith.

**PLEASE DO NOT PRINT** the above information on the patent resulting from the subject application.

Consideration of each listed application is earnestly solicited since unpublished patent applications are contemplated as IDS material; see the exception in Rule 98(a)(2)(iii) and note the penultimate sentence of MPEP 609.

Further, in keeping with MPEP 609, Subsec. C(2), 2nd para., line 10 to end of the paragraph (especially note lines 18-25) PLEASE RETURN A COPY OF THIS LETTER with the Examiner's initials adjacent each above listing so that applicant will know that each listed application has been considered as required by PTO policy.

#### **Citation of Documents**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants petition the Examiner to consider this Supplemental Information Disclosure Statement and documents listed on the attached Form PTO-1449. To the best of the undersigned's knowledge, this Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced Application. Accordingly, Applicants do not believe a fee is due for filing this Supplemental Information Disclosure Statement.

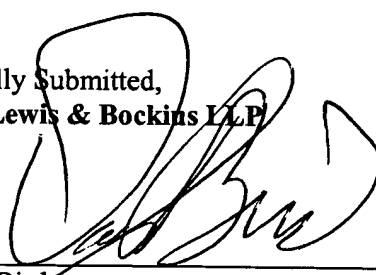
With the exception of a published U.S. Application, copies of the listed documents are attached. Applicants respectfully request that the Examiner initial and return the Form PTO-1449, indicating that the information has been considered and made of record herein.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that the listed documents constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully Submitted,  
Morgan Lewis & Bockius LLP



By:

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<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  PTO Form 1449		Attorney Docket No. <b>056291-5192</b>	Application No. <b>10/520,939</b>
Applicants: <b>ANDERBERG et al.</b>		Filing Date: <b>January 12, 2005</b>	
Group Art Unit: <b>1645</b>			

**U.S. PATENT DOCUMENTS**

Initial	Document No.	Date	Name	Class	Sub-Class	Filing Date

**FOREIGN PATENT DOCUMENTS**

	Document No.	Date	Country	Class	Sub-Class	Translation
34.	WO 02/32428	4/25/2002	WIPO			
35.	WO 02/50051	6/27/2002	WIPO			
36.	WO 02/53548	7/11/2002	WIPO			Y (Abstract)
37.	WO 03/020710	3/13/2003	WIPO			
38.	WO 03/022286	3/20/2003	WIPO			
39.	WO 03/022825	3/20/2003	WIPO			
40.	WO 03/022830	3/20/2003	WIPO			
41.	WO 03/061663	7/31/2003	WIPO			
42.	WO 03/091232	11/6/2003	WIPO			
43.	WO 03/106482	12/24/2003	WIPO			
44.	WO 2004/006899	1/22/2004	WIPO			
45.	WO 2004/076430	9/10/2004	WIPO			
46.	WO 2004/089350	10/21/2004	WIPO			

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)**

47.	Govers et al., (1994) "Characterization of the adsorption of conjugated and unconjugated bile acids to insoluble, amorphous calcium phosphate" <i>Journal of Lipid Research</i> , 35(5): 741-748
48.	Higaki et al., (1998) "Inhibition of Ileal Na <sup>+</sup> /Bile Acid Cotransporter by S-8921 Reduces Serum Cholesterol and Prevents Atherosclerosis in Rabbits" <i>Atherosclerosis, Thrombosis, and Vascular Biology</i> 18(8): 1304-1311
49.	Ishibashi et al., (1993) "Hypercholesterolemia in low density lipoprotein receptor knockout mice and its reversal by adenovirus-mediated gene delivery" <i>Journal of Clinical Investigation</i> 92(2): 883-893
50.	Lewis et al., (1995) "Effects of 2164U90 on ileal bile acid absorption and serum cholesterol in rats and mice" <i>Journal of Lipid Research</i> , 36(5): 1098-1105
51.	Plump et al., (1992) "Severe hypercholesterolemia and atherosclerosis in apolipoprotein E-deficient mice created by homologous recombination in ES cells" <i>Cell</i> 71(2):343-353
52.	Schiller (2001) "The therapy of constipation" <i>Alimentary Pharmacology and Therapeutics</i> 15(6): 749-763
53.	Sprong et al., (2002) "Dietary Calcium Phosphate Promotes <i>Listeria monocytogenes</i> Colonization and Translocation in Rats Fed Diets Containing Corn Oil but Not Milk Fat" <i>J. Nutrition (US)</i> 132(6): 1269-1274
54.	Van Tilburg et al., (1989) "Na <sup>+</sup> -dependent bile acid transport in the ileum: The balance between diarrhea and constipation" <i>Gastroenterology</i> 98(1): 25-32
55.	Welberg et al., (1991) "Calcium and the prevention of colon cancer" <i>Scandinavian J. Gastroenterology Suppl Norway</i> 188: 52-59

Examiner	Date Considered
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**Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.